

IN THE CIRCUIT COURT OF BENTON COUNTY, MISSOURI

FILED
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JUL 20 2007

Clerk of the Circuit Court
Benton County

NORMAN MILLINER

Plaintiff,

v.

NORTHPORT HEALTH SERVICES OF
MISSOURI, L.L.C., d/b/a Warsaw Health and
Rehabilitation Center
Serve: The Corporation Company
120 South Central Avenue
Clayton, MO 63105

Defendant.

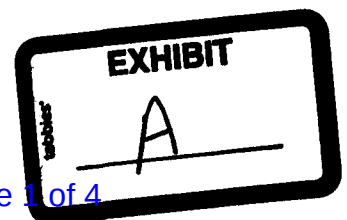
Case No. 07BE-CC00040

PLAINTIFF'S PETITION FOR DAMAGES

Plaintiff Norman Milliner ("Mr. Milliner"), for his claims and causes of action against the defendant Northport Health Services of Missouri, L.L.C., d/b/a Warsaw Health and Rehabilitation Center ("NHSM" and "WHRC" respectively), states as follows:

PLAINTIFF NORMAN MILLINER

1. Plaintiff Mr. Milliner is presently a resident and citizen of Shawnee, Kansas and is the surviving husband of Virginia Milliner ("Mrs. Milliner") who died on July 22, 2005. Contemporaneously with this petition plaintiff has filed a motion for appointment of Norman Milliner as the Plaintiff ad litem of Virginia Milliner for the purposes of this action.



**DEFENDANT NORTHPORT HEALTH SERVICES OF MISSOURI,
L.L.C., d/b/a WARSAW HEALTH AND REHABILITATION CENTER**

2. The defendant NHSM is a Missouri limited liability company which owns and operates WHRC, a nursing home and skilled nursing facility operating at 2001 Sunchase Drive in Warsaw, Missouri.

JURISDICTION AND VENUE

3. This Court has jurisdiction over this matter and venue is proper pursuant to RSMo. 508.101(6) in the Court because Defendant's acts of negligence occurred in Warsaw, Missouri

FACTS COMMON TO ALL COUNTS

4. Mrs. Milliner was a patient and resident of WHRC from June 23, 2005 through July 20, 2005.

5. Following her 27 day stay at WHRC, Mrs. Milliner was admitted to Golden Valley Memorial Hospital in Clinton, Missouri in acute distress with evidence of acute renal failure, urinary tract infection, large decubitous ulcers on her buttocks and thighs, and severe bruising on her arms and left hip.

6. Mrs. Milliner died at Golden Valley Memorial Hospital on July 22, 2005 from sepsis and acute renal failure.

COUNT I
(Wrongful Death)

7. Plaintiff incorporates by reference the above paragraphs 1 through 5 as if fully set forth herein.

8. The defendant NHSM, through its healthcare provider employees, agents and servants, owed Mrs. Milliner a legal duty to exercise that degree of skill and learning

ordinarily exercised by members of their profession under the same or similar circumstances.

9. The defendant NHSM, through its employees, agents and servants, breached its duty of care to Mrs. Milliner in one or more of the following particulars:
- a. in failing to timely recognize signs and symptoms of developing infection;
 - b. in failing to timely request and obtain necessary physician consultation and evaluation;
 - c. in failing to properly monitor, evaluate and maintain Mrs. Milliner's levels of fluid input and output;
 - d. in failing to timely and properly provide turning and position changing for Mrs. Milliner and to monitor Mrs. Milliner for skin tears, wounds and decubitous ulcers;
 - e. in failing to timely and properly administer necessary medications; and
 - f. in failing to provide necessary assistance and monitoring of Mrs. Milliner and allowing her to fall.

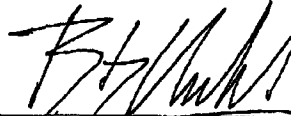
10. Mrs. Milliner's death on July 22, 2005 was the direct and proximate result of the negligence of defendant NHSM, and but for the negligence of NHSM, Mrs. Milliner would not have died on July 22, 2005.

11. As a direct and proximate result of the negligence of defendant NHSM, Mrs. Milliner experienced significant physical and mental pain and suffering.

12. As a direct and proximate result of the negligence of defendant NHSM, Mr. Milliner and the other survivors of Mrs. Milliner have suffered the loss of her

Respectfully submitted,

GOZA & HONNOLD, L.L.C.



Kirk J. Goza #32475

Bradley D. Honnold #39818

Roger D. Nail #47534

11150 Overbrook, Suite 250

Leawood, Kansas 66211

(913) 451-3433

(913) 273-0509 Facsimile

kgoza@gohonlaw.com

bhonnold@gohonlaw.com

rmail@gohonlaw.com

ATTORNEYS FOR PLAINTIFF